DELIMITATION

DELIMITING MARITIME BOUNDARIES

- Over 400 maritime boundaries
- Approximately 200 not yet delimited
- Categories
  - Opposite States
  - Adjacent States
  - Combination Coasts/Islands

DELIMITING MARITIME BOUNDARIES

- Theories of delimitation
  - Equidistant line
  - Equity

GENERAL LEGAL PRINCIPLES

ARTICLE 14, LOS CONVENTION

- No binding rules - each case unique
- No limit to methods which can be used to determine a maritime boundary
- Best solution - agreement between the parties

STATE A
STATE B
Inequitable solution from the straight line extension of land boundary

TYPES OF LATERAL BOUNDARIES

- Line projected at 90^0 angle from land boundary
- Line projected at 90^0 angle to general direction of coast
- Line projected in a cardinal direction
- Equidistant line

LEGAL HISTORY

Grisbadarna

- **Issue: Norway/Sweden Territorial Sea Boundary**
- **Permanent Court of Arbitration (1909)**
- **Background: 17th Century Practice; Treaty of 1661 on the Norwegian/Swedish Boundary**
- **Holding: Upheld Boundary Line Drawn Perpendicular to the General Direction of the Coast**
- **Principle: “Change the Way Things have Been Working as Little as Possible”**

LEGAL HISTORY

- North Sea Continental Shelf Case (1969)
  - equitable principles and agreement
- Anglo-French Case (1977)
  - equitable principles
- Libya-Tunisia
  - used a line perpendicular to the coast, ignoring geopolitical arguments
- Gulf of Maine

INTERNATIONAL TREATIES

- 1958 UN Convention on Territorial Sea and Contiguous Zone
- 1958 UN Convention on Continental Shelf
- 1982 Law of the Sea Convention

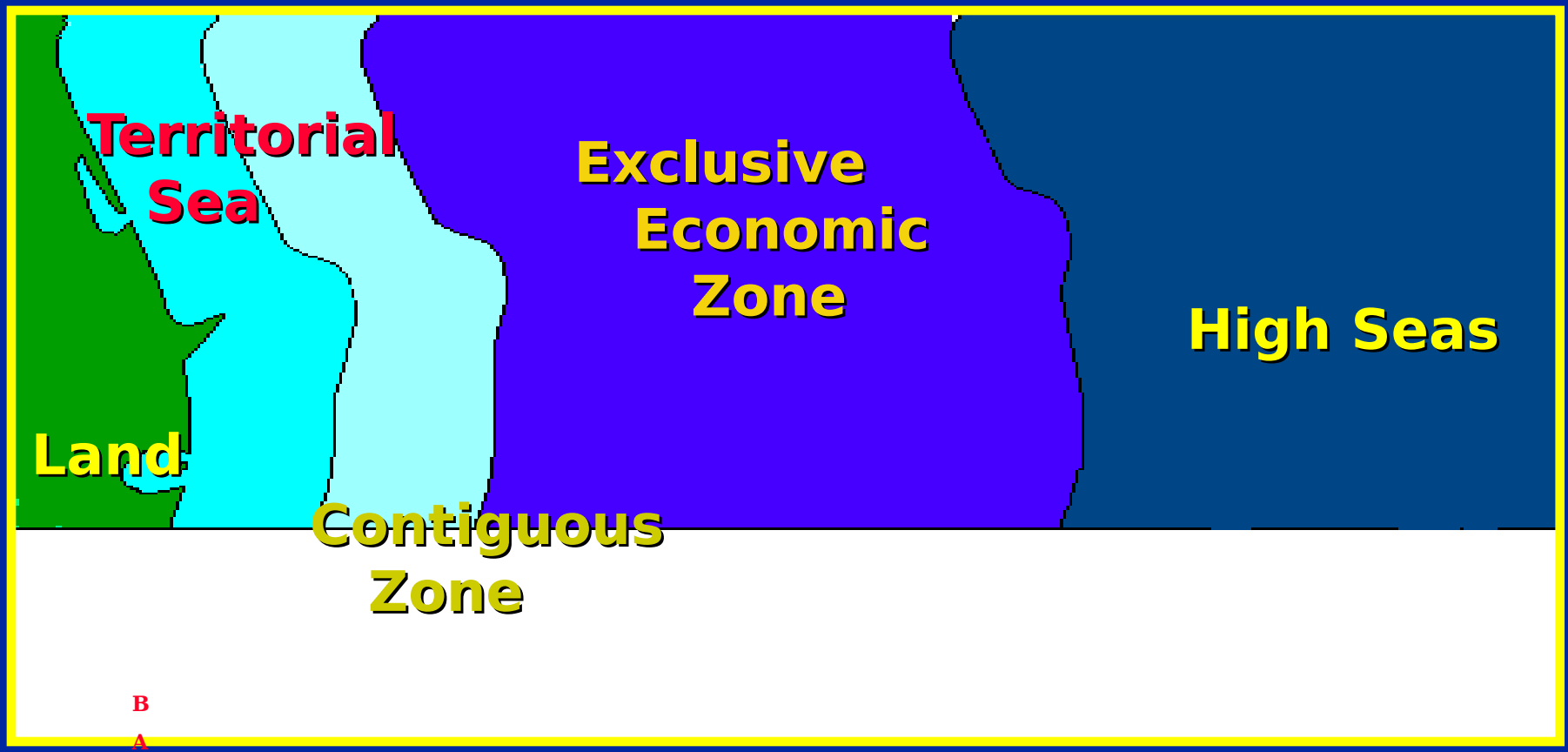
ARTICLE 15

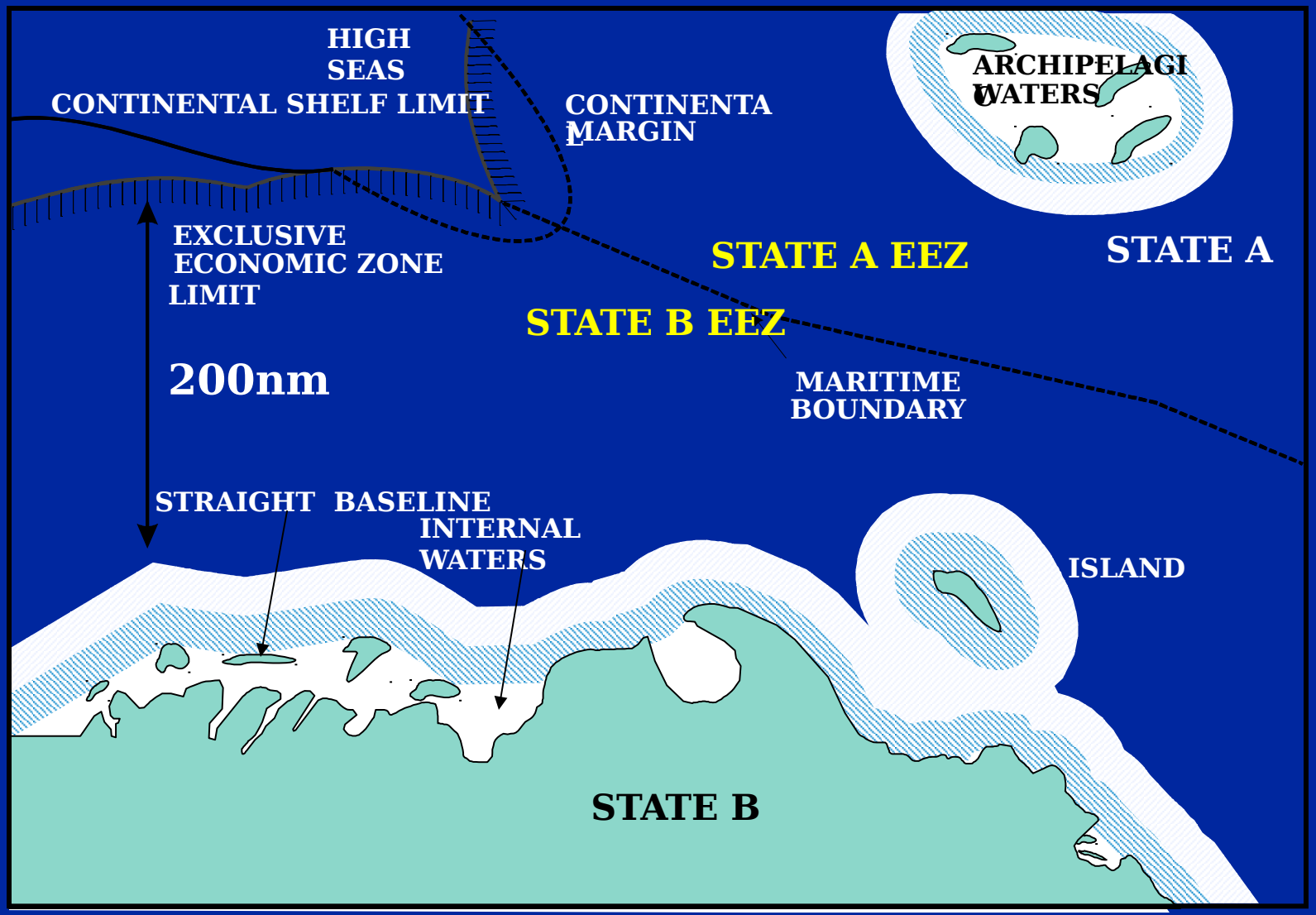
- Opposite or adjacent
- Equidistant line
- Mutual Agreement
- Historic title or special circumstances
- Same as Article 12 of 1958 Convention

OTHER ARTICLES

- Article 74; delimitation of EEZ
- Article 76(10); not prejudice delimitation of continental shelf
- Article 83; delimitation of continental shelf
  - not the same as the 1958 Convention
- Part XV (see Article 298(1))

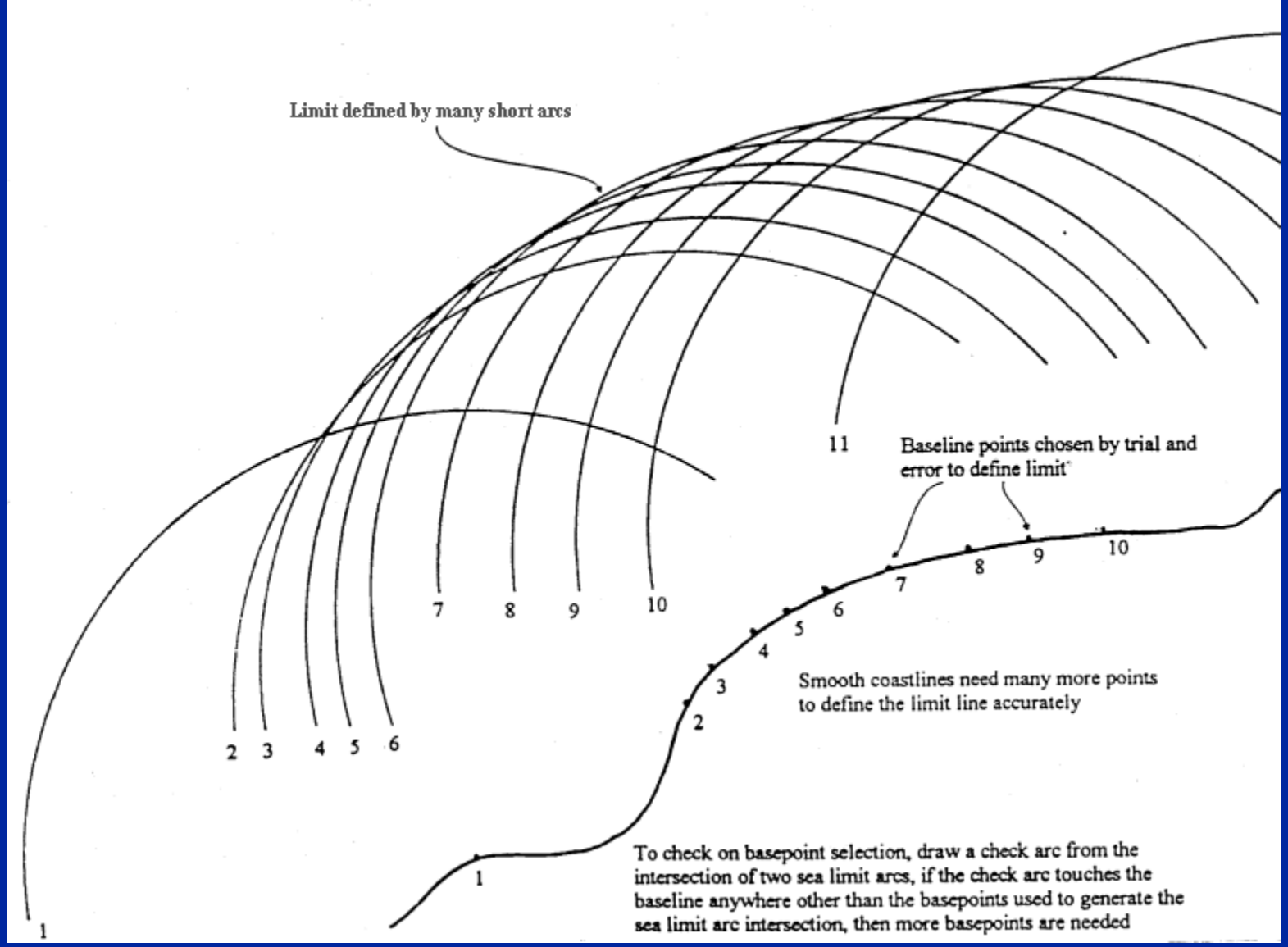
MARITIME ZONES





NAVAL METEOROLOGY AND OCEANOGRAPHY COMMAND

COMNAVMETOCCOM-


Limit defined by many short arcs
11
Baseline points chosen by trial and error to define limit
7
8
9
10
2
3
4
5
6
Smooth coastlines need many more points to define the limit line accurately
1
To check on basepoint selection, draw a check arc from the intersection of two sea limit arcs, if the check arc touches the baseline anywhere other than the basepoints used to generate the sea limit arc intersection, then more basepoints are needed

NAVAL METEOROLOGY AND OCEANOGRAPHY COMMAND

COMNAVMETOCCOM-

INTERNATIONAL COURT OF JUSTICE DECISIONS

- Proportionality
- Coastal front
- General direction
- Opposite and adjacent coasts
- Relationship of EEZ and CS
- Geology
- Economics
- Other

EQUITABLE FACTORS

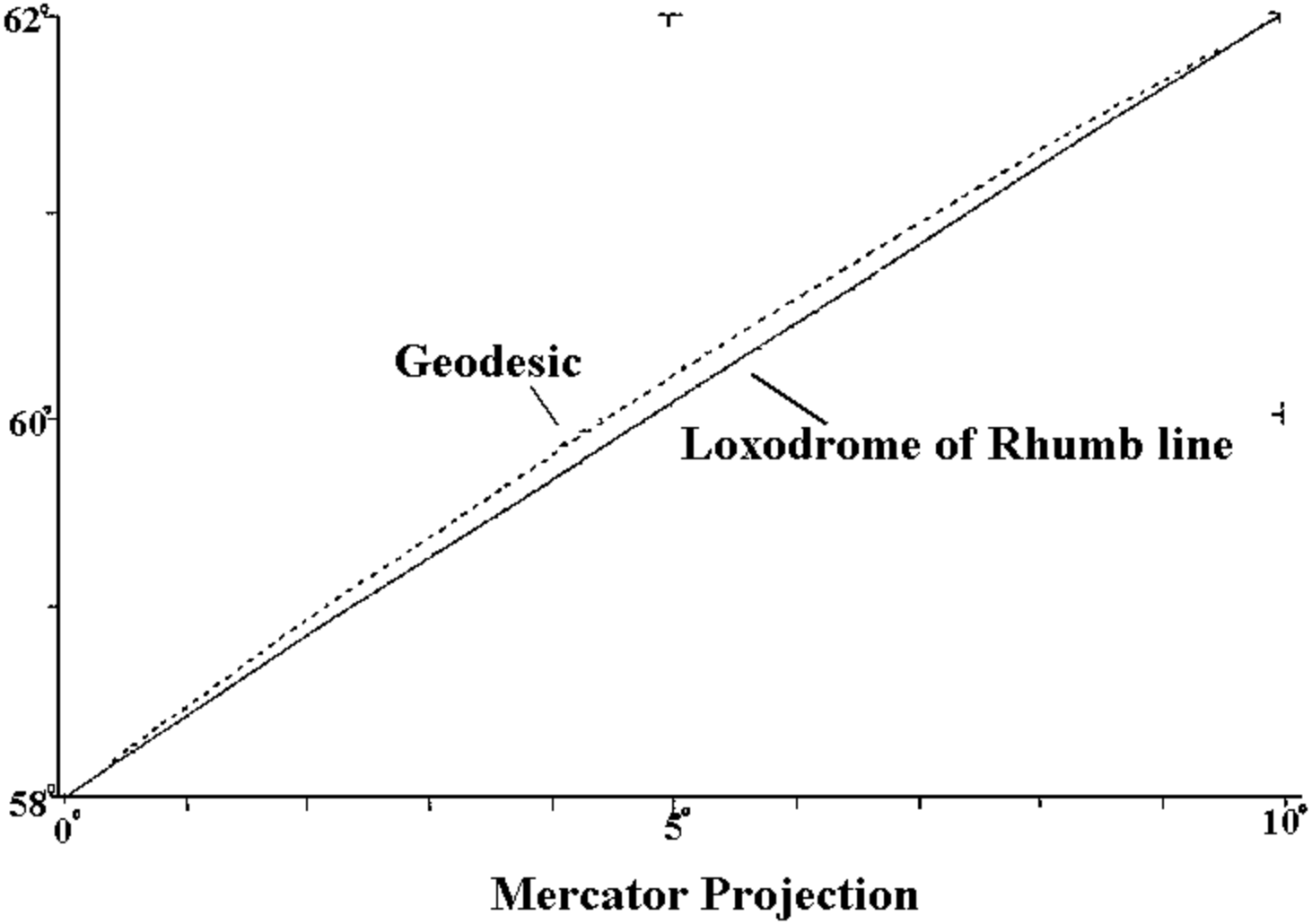
- Relationship of land to sea area
  - proportionality
  - natural prolongation
  - coastal access
- Geologic vice geomorphic
- Ecological
  - fish stocks
  - reefs
  - protection of the marine environment/resource management
- Special Circumstances
- Historic Relationship
- Impact on navigation

TECHNICAL METHODS OF BOUNDARY DETERMINATION

- Line of bearing
- Equidistant line
- Simplified equidistant lines

LINE OF BEARING

- Single line of compass direction
- Loxodrome
  - not a straight line
  - not accurate over distance
- Geodesic
  - not a line of constant bearing



NAVAL METEOROLOGY AND OCEANOGRAPHY COMMAND

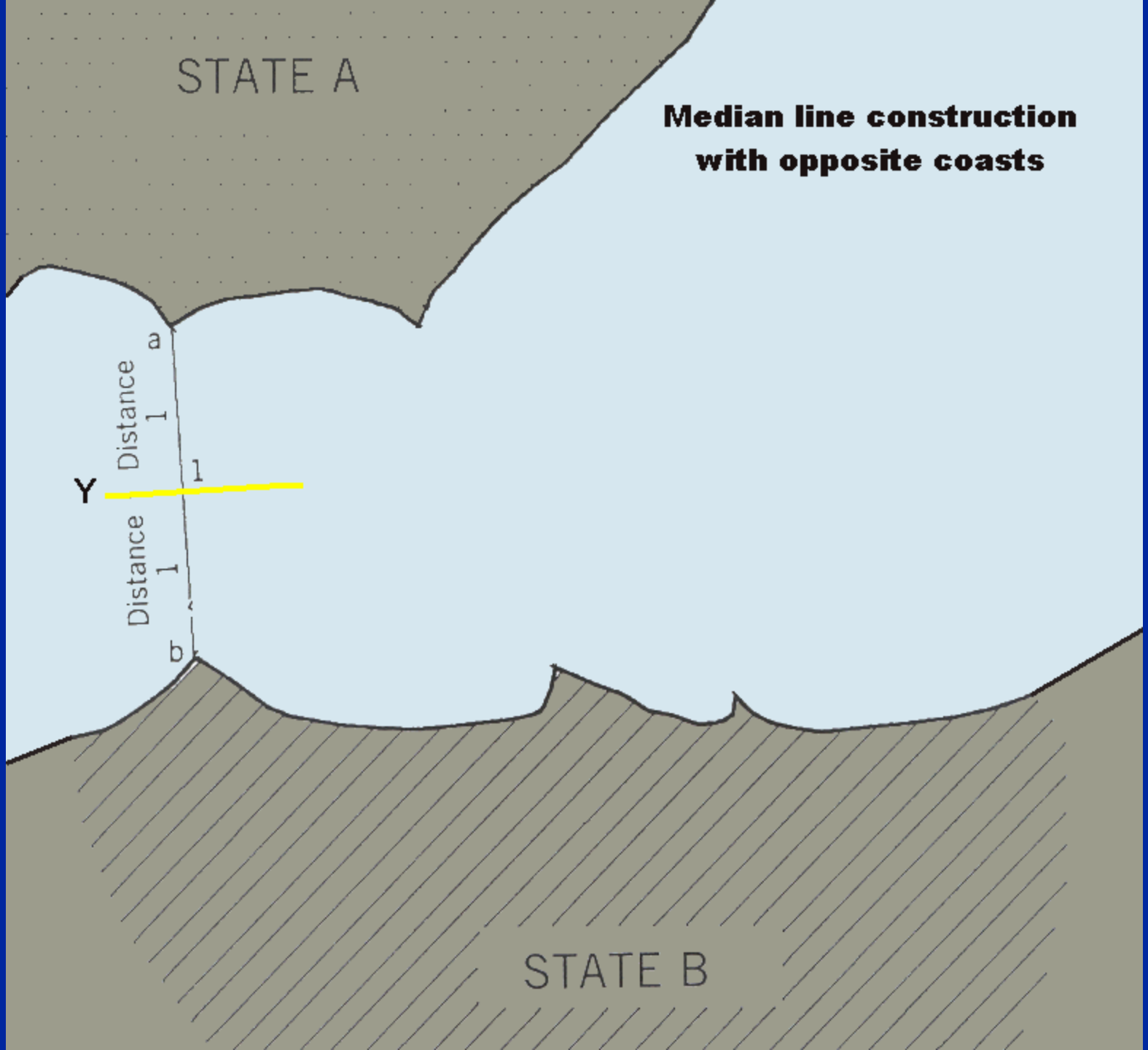
COMNAVMETOCCOM-

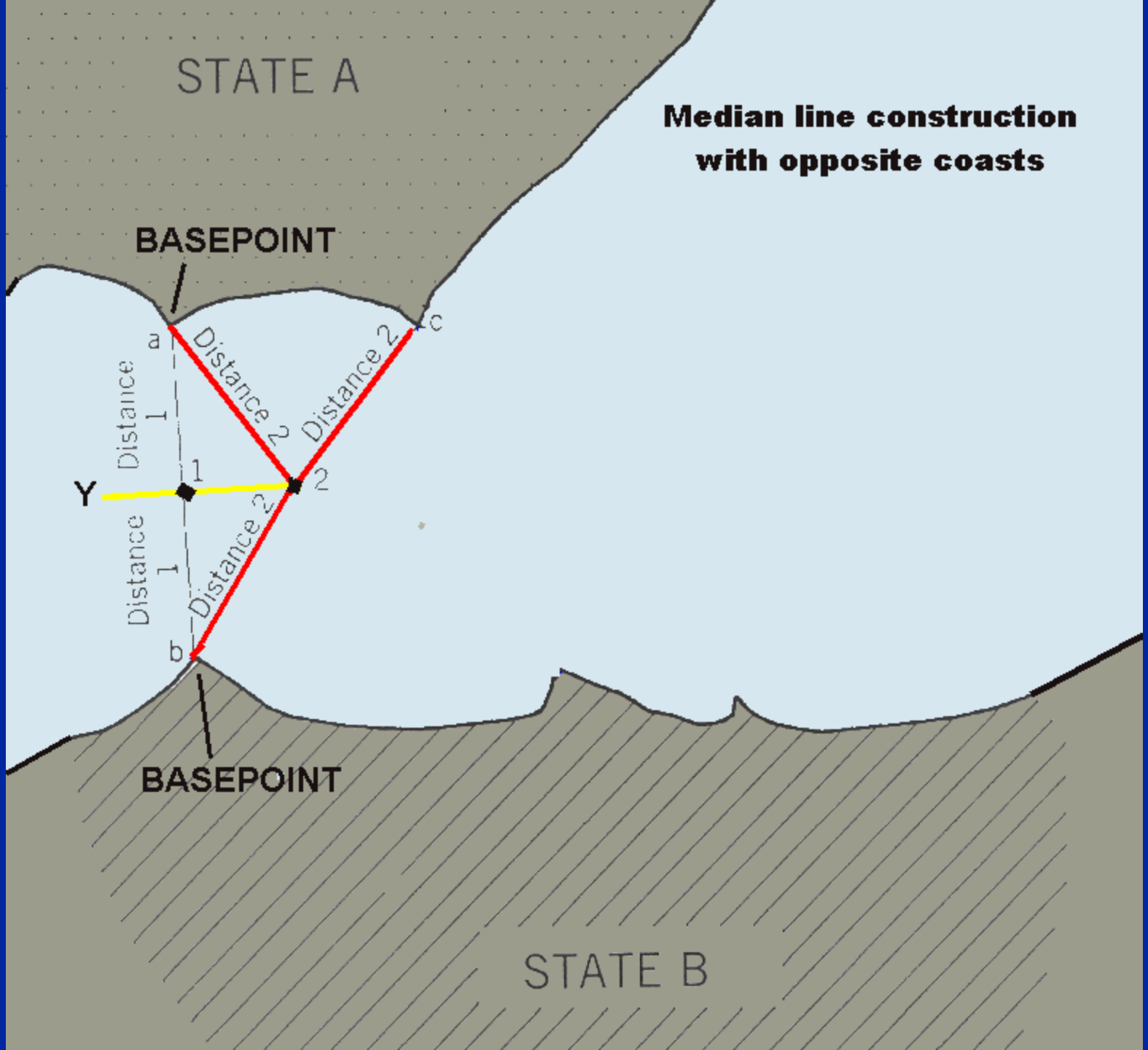
EQUIDISTANT LINE

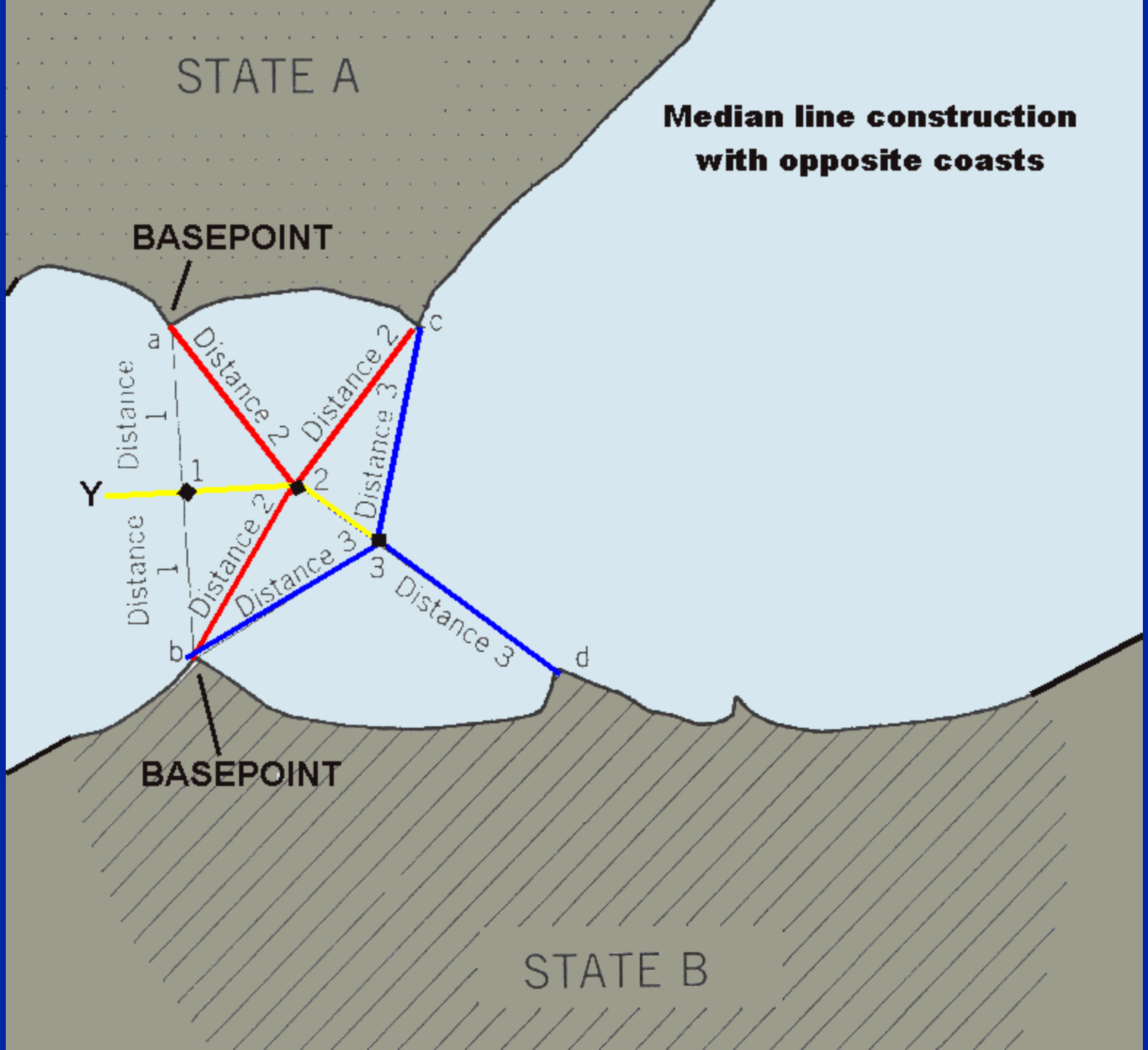
- Favored method of delimitation
- Line - every point of which is equidistant from the nearest points on the baselines of 2 states

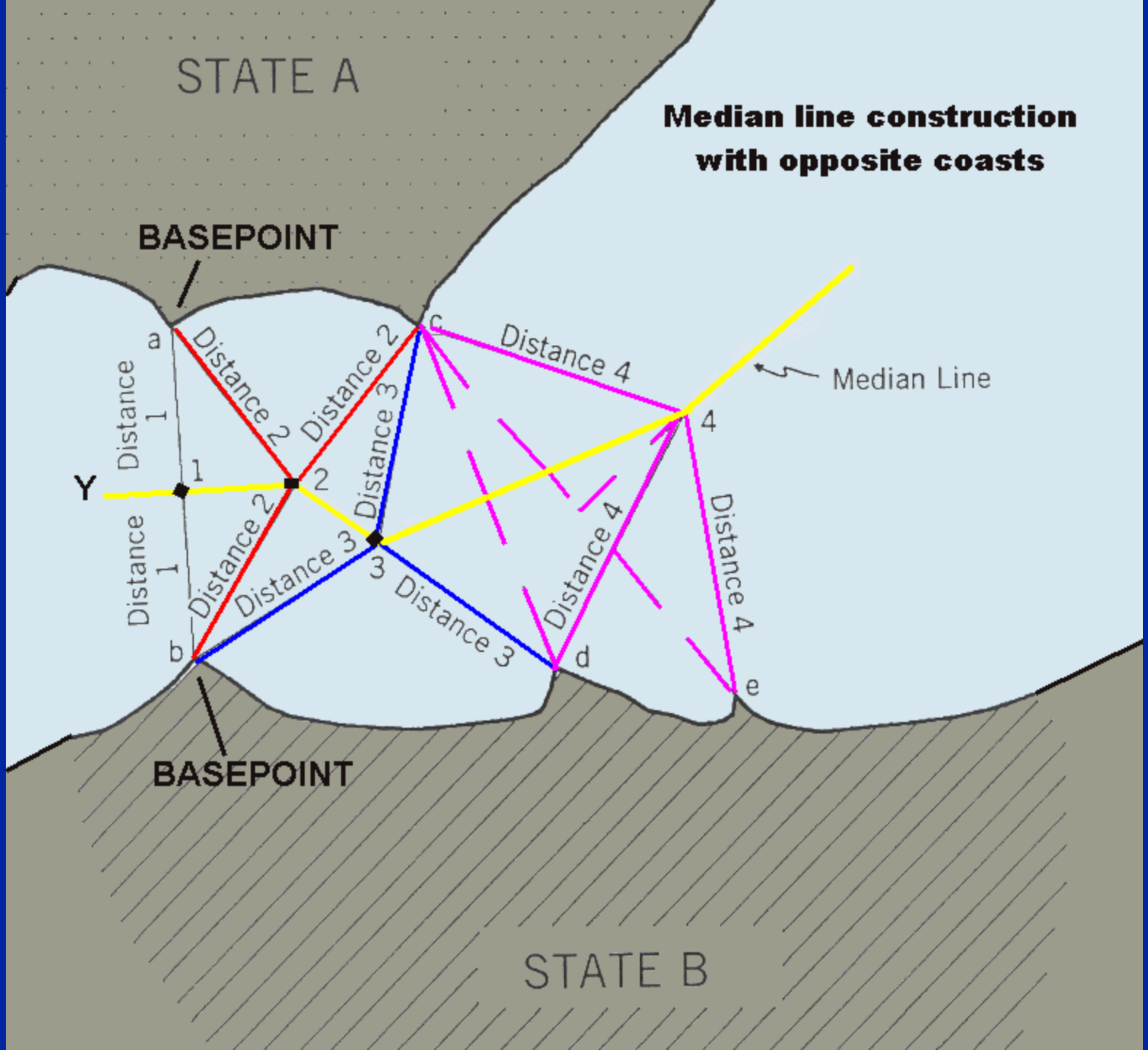
MEDIAN LINE

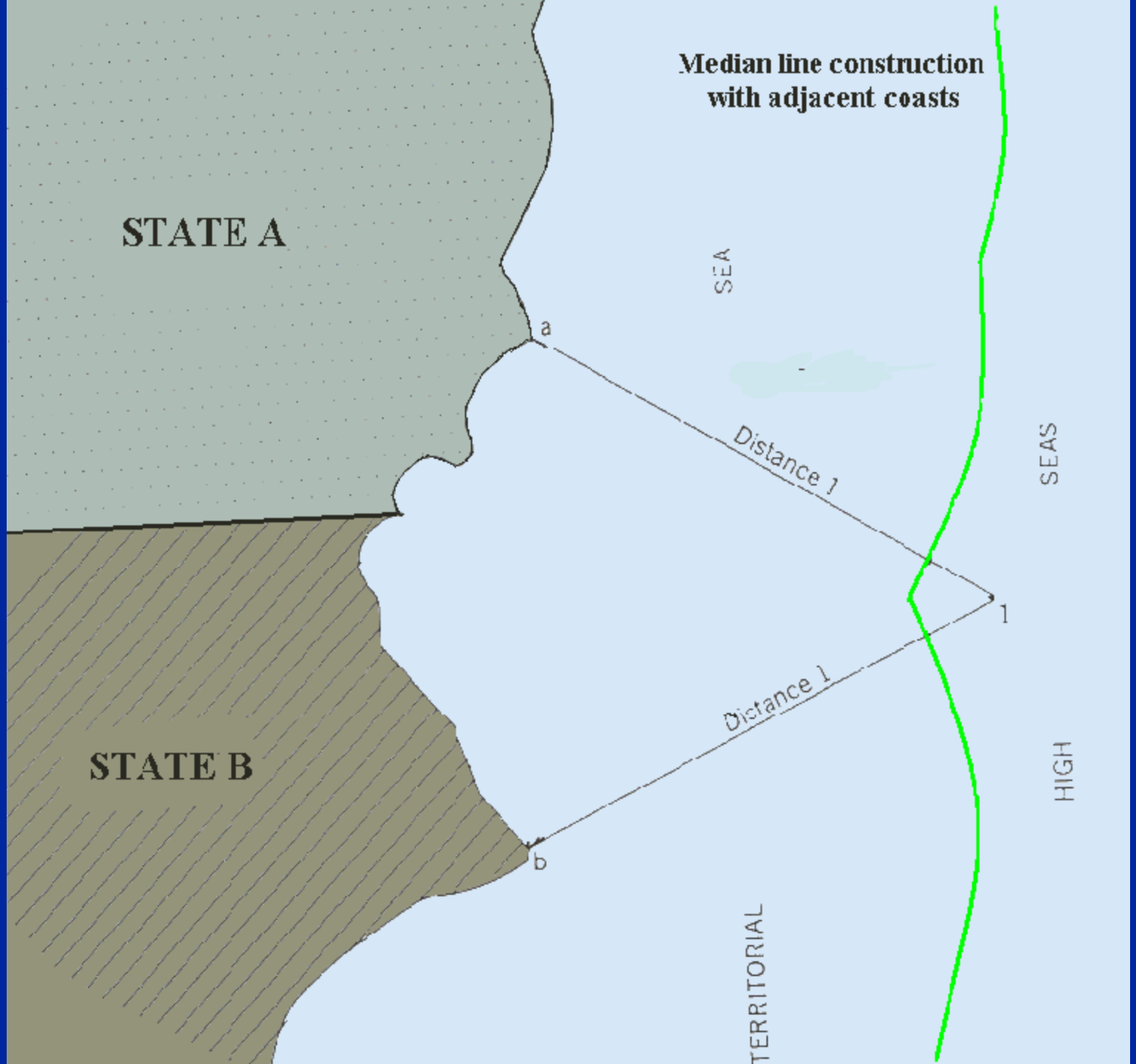
- Strict equidistant line between opposite coasts
- Any boundary line between states whether or not - an equidistant line

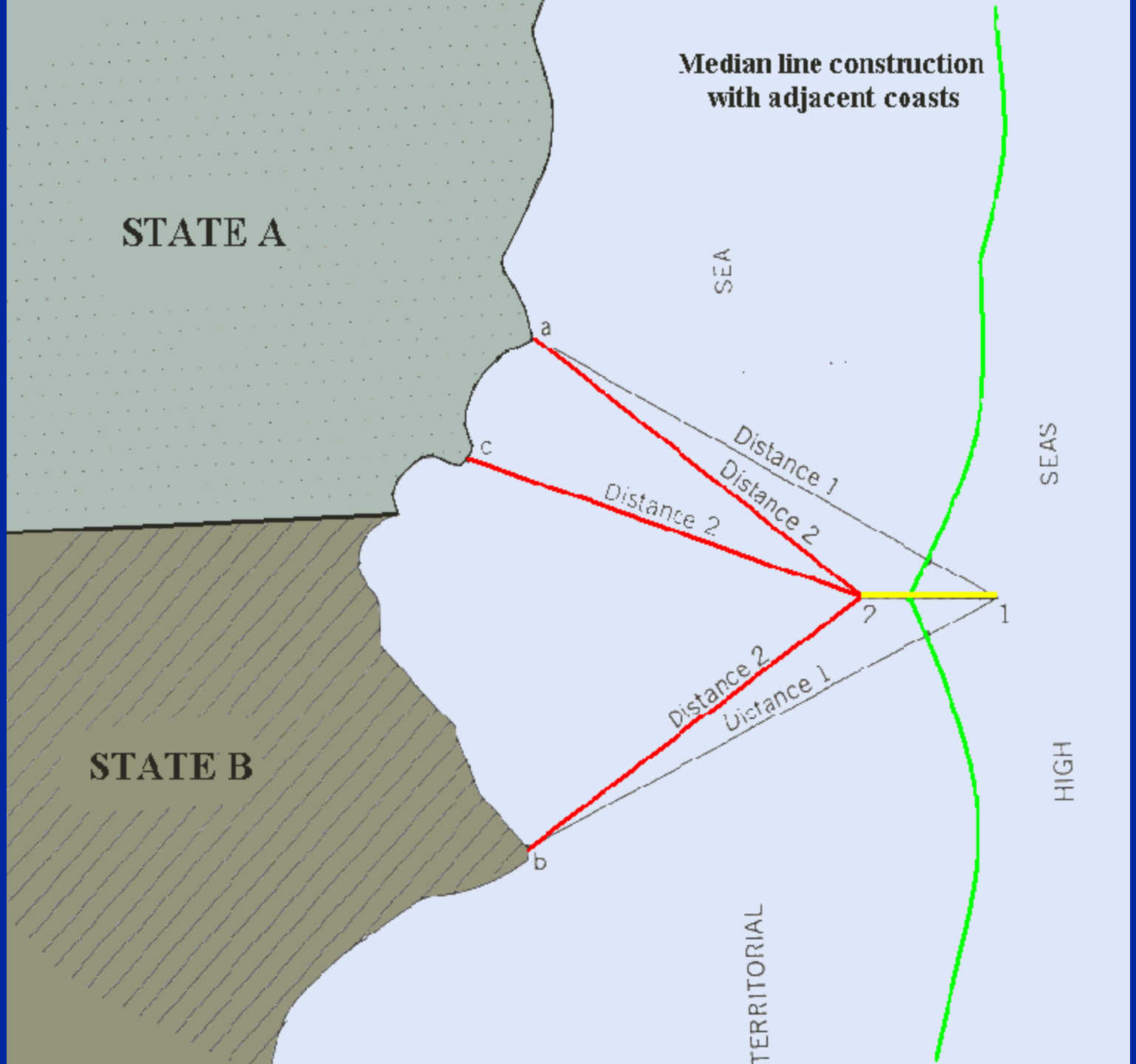

STATE A
Median line construction
with opposite coasts
a
Distance
1
1
Y
Distance
1
b
STATE B

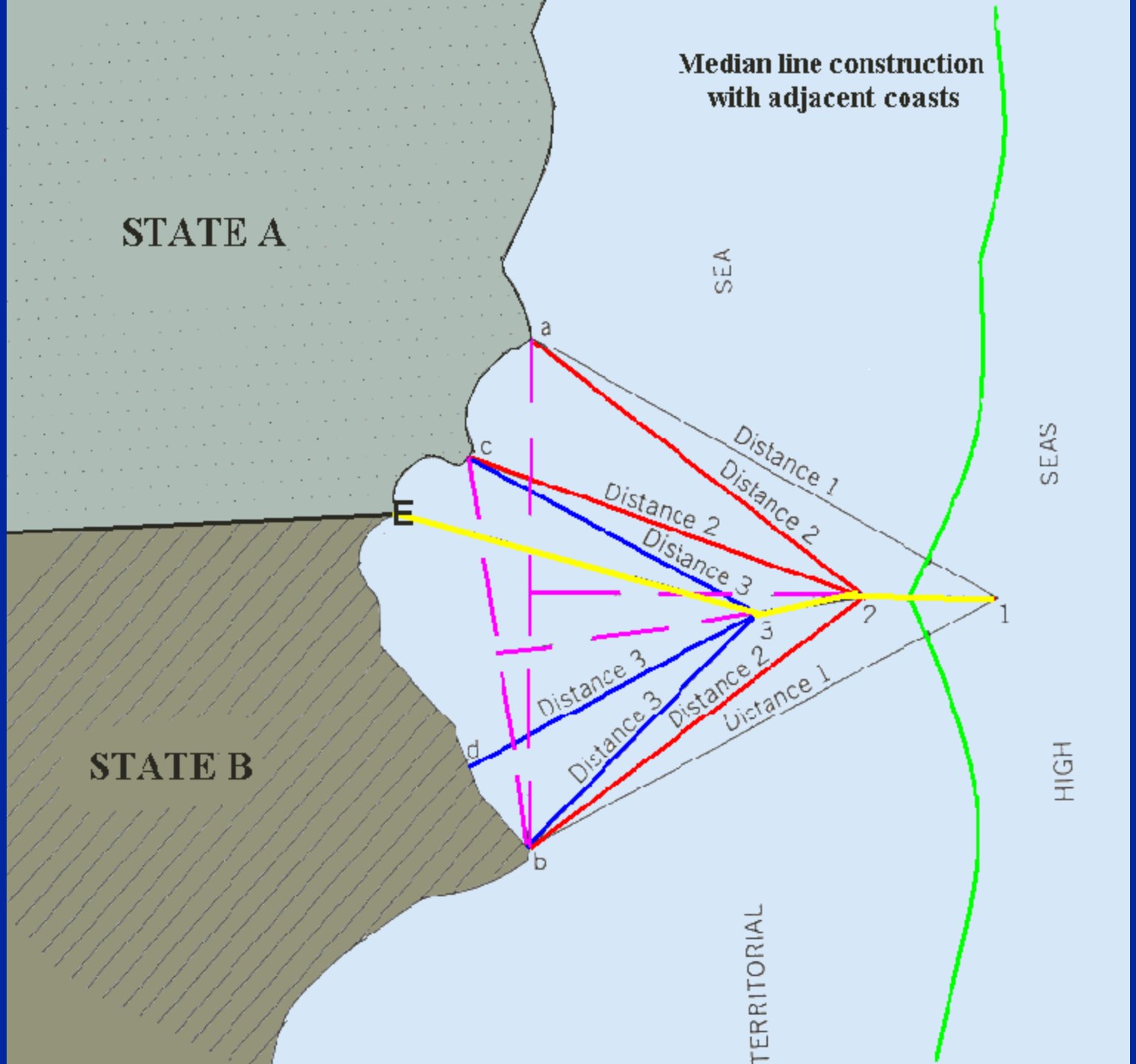

STATE A
Median line construction
with opposite coasts
BASEPOINT
a
c
Distance 2
Distance 2
Distance 1
1
2
Y
Distance 1
Distance 2
b
BASEPOINT
STATE B


STATE A
Median line construction
with opposite coasts
BASEPOINT
a
c
Distance 1
Distance 2
Distance 2
Distance 3
1
2
Y
Distance 1
Distance 2
Distance 3
Distance 3
3
Distance 3
b
d
BASEPOINT
STATE B


STATE A
Median line construction
with opposite coasts
BASEPOINT
a
Distance 1
Distance 2
Distance 2
c
Distance 4
Median Line
4
Y
1
2
Distance 3
Distance 1
Distance 2
Distance 3
3
Distance 3
Distance 4
Distance 4
b
d
e
BASEPOINT
STATE B

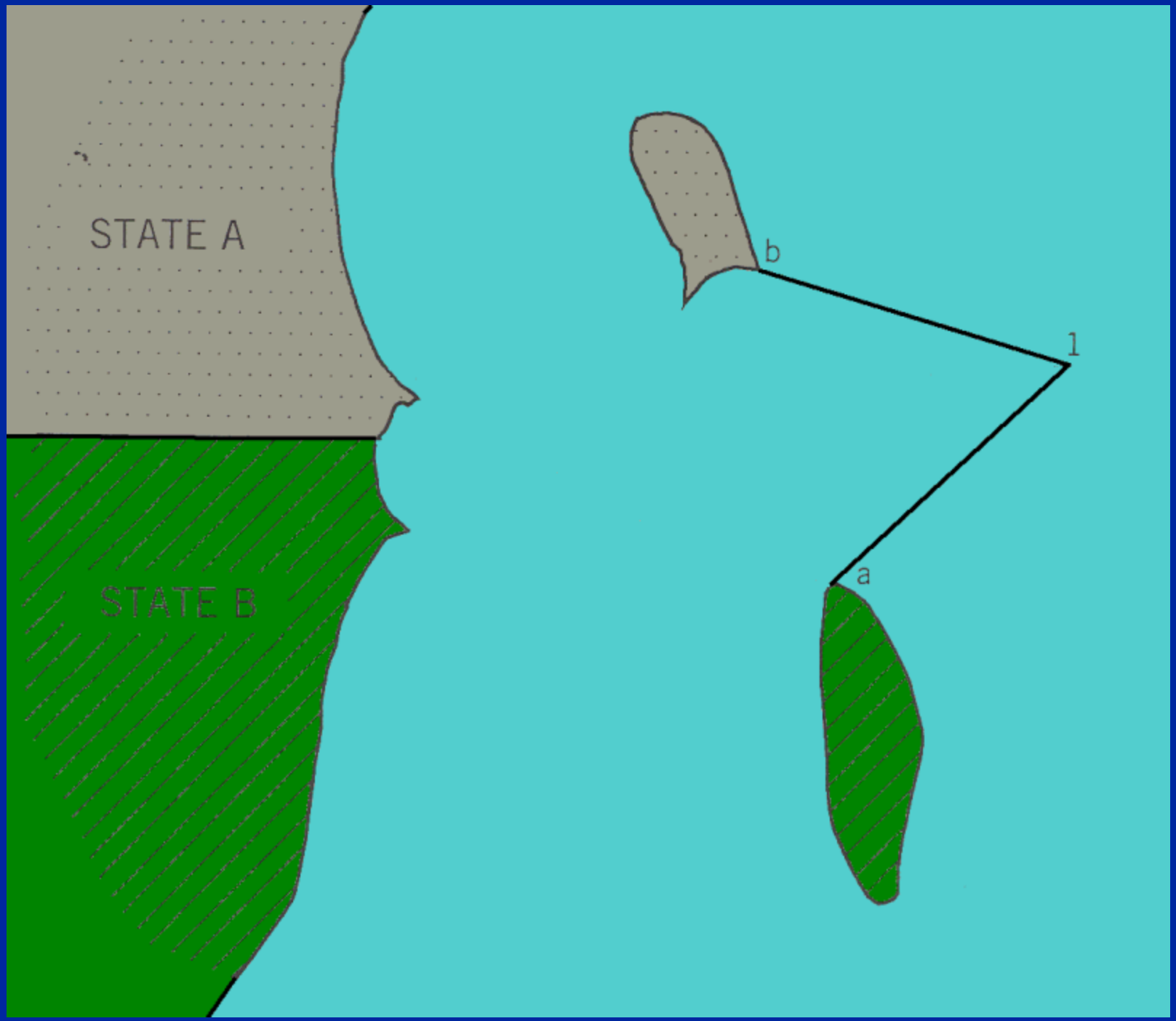

Median line construction
with adjacent coasts
STATE A
STATE B
SEA
SEAS
HIGH
TERRITORIAL
a
b
1
Distance 1
Distance 1

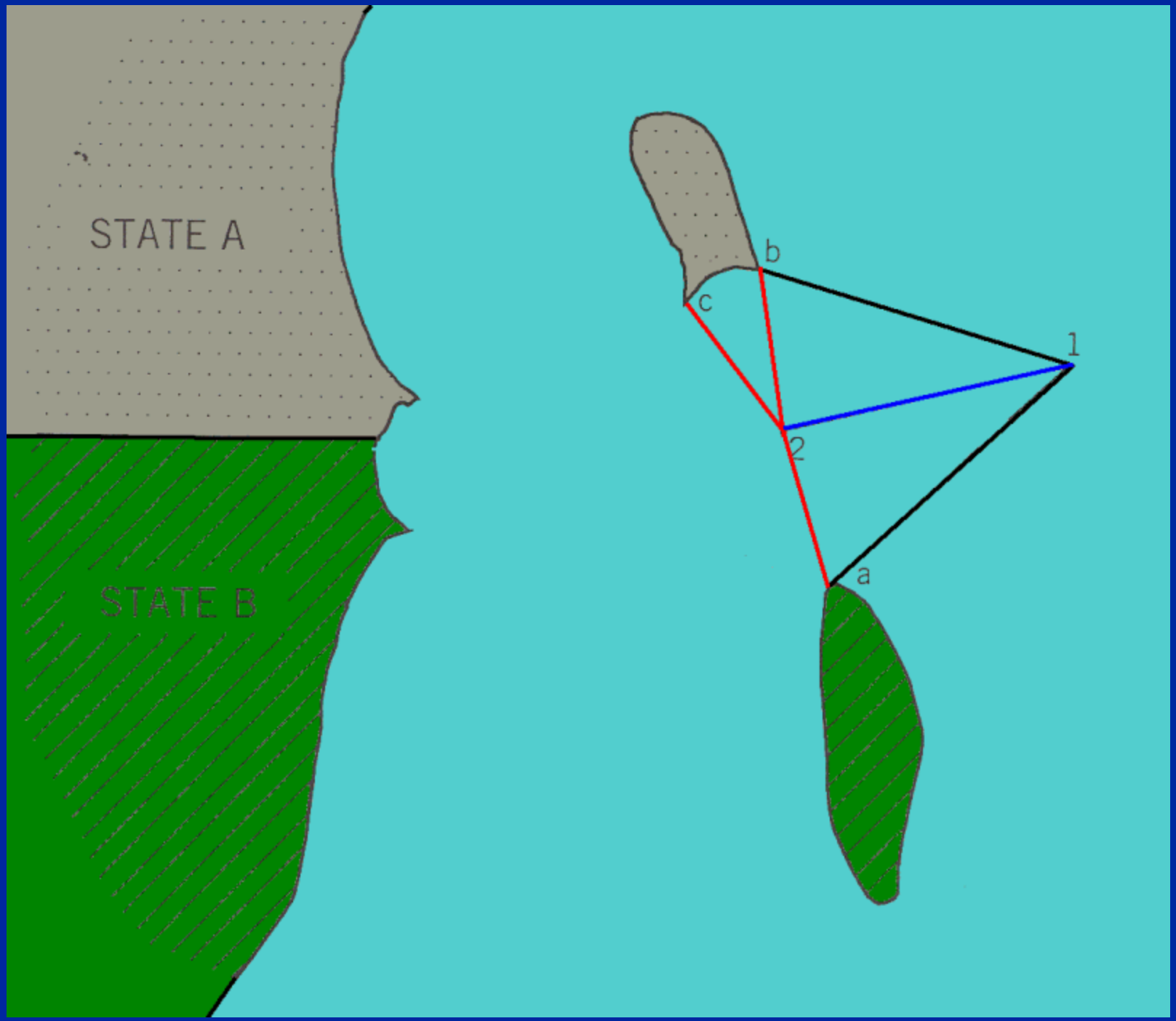

Median line construction
with adjacent coasts
STATE A
STATE B
SEA
SEAS
HIGH
TERRITORIAL
a
b
c
Distance 1
Distance 2
Distance 2
Distance 2
Distance 1
2
1

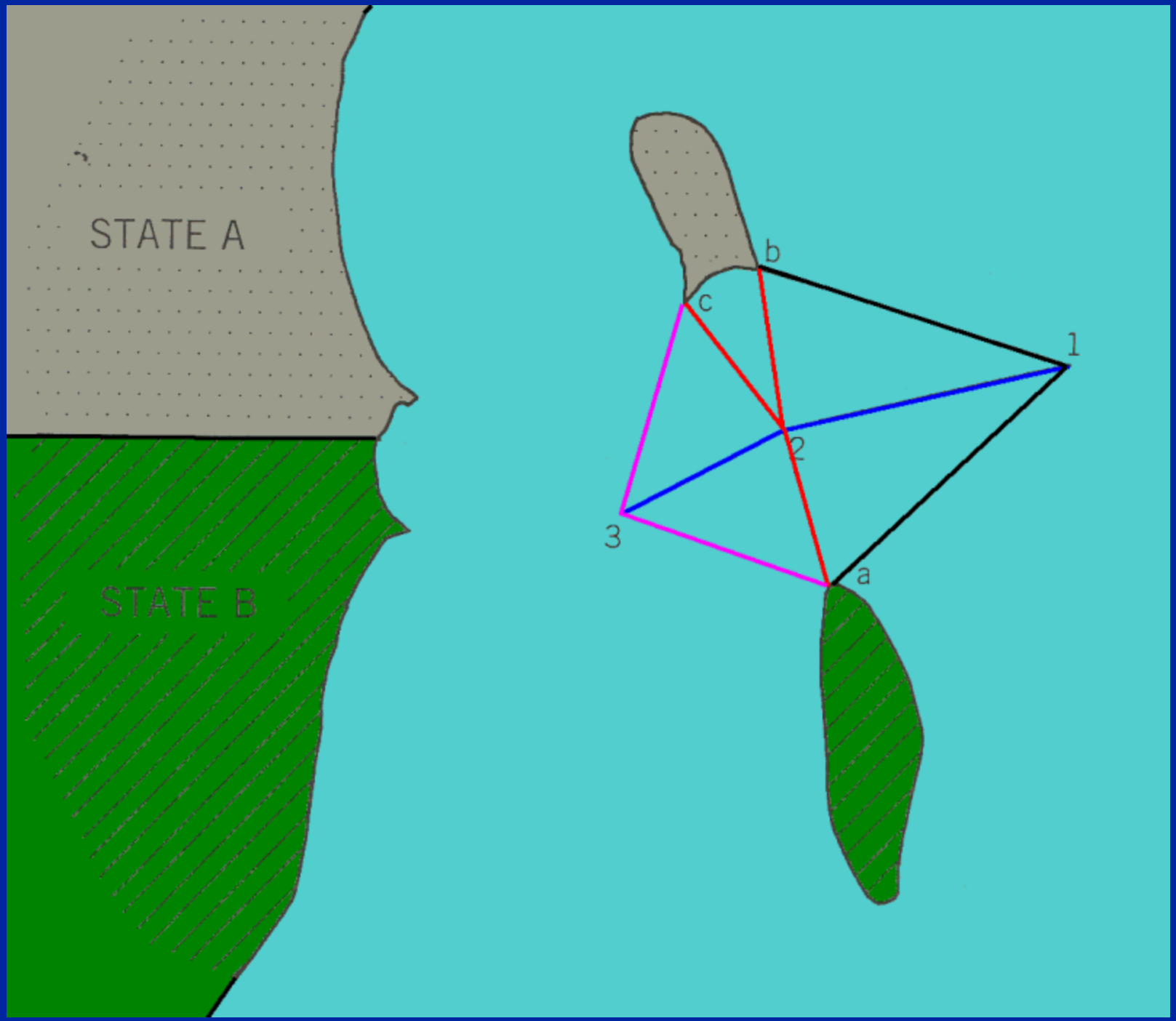

Median line construction
with adjacent coasts
STATE A
STATE B
SEA
SEAS
HIGH
TERRITORIAL
a
b
c
d
E
1
2
3
Distance 1
Distance 2
Distance 3
Distance 2
Distance 3
Distance 3
Distance 2
Distance 1

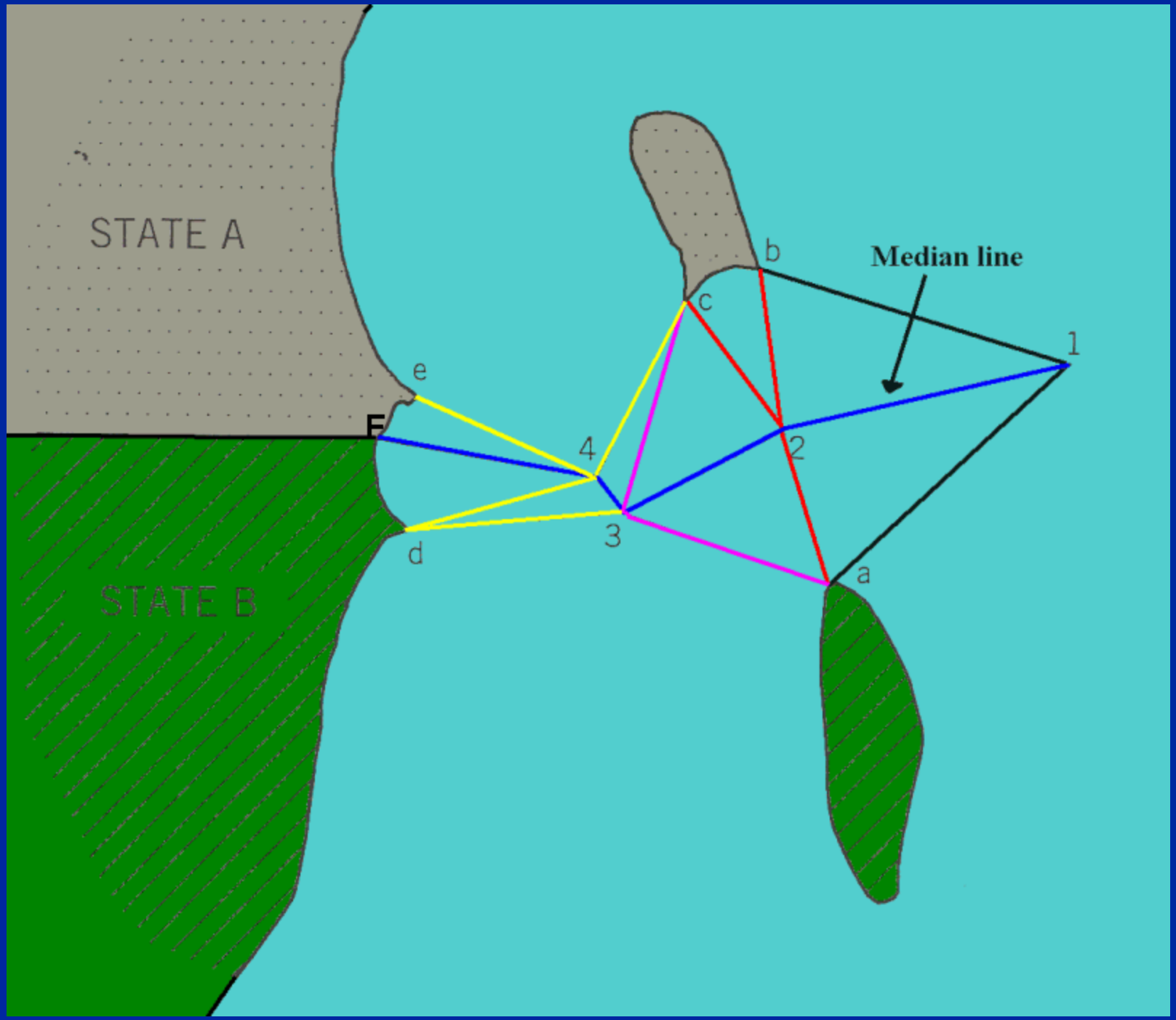
ISLANDS

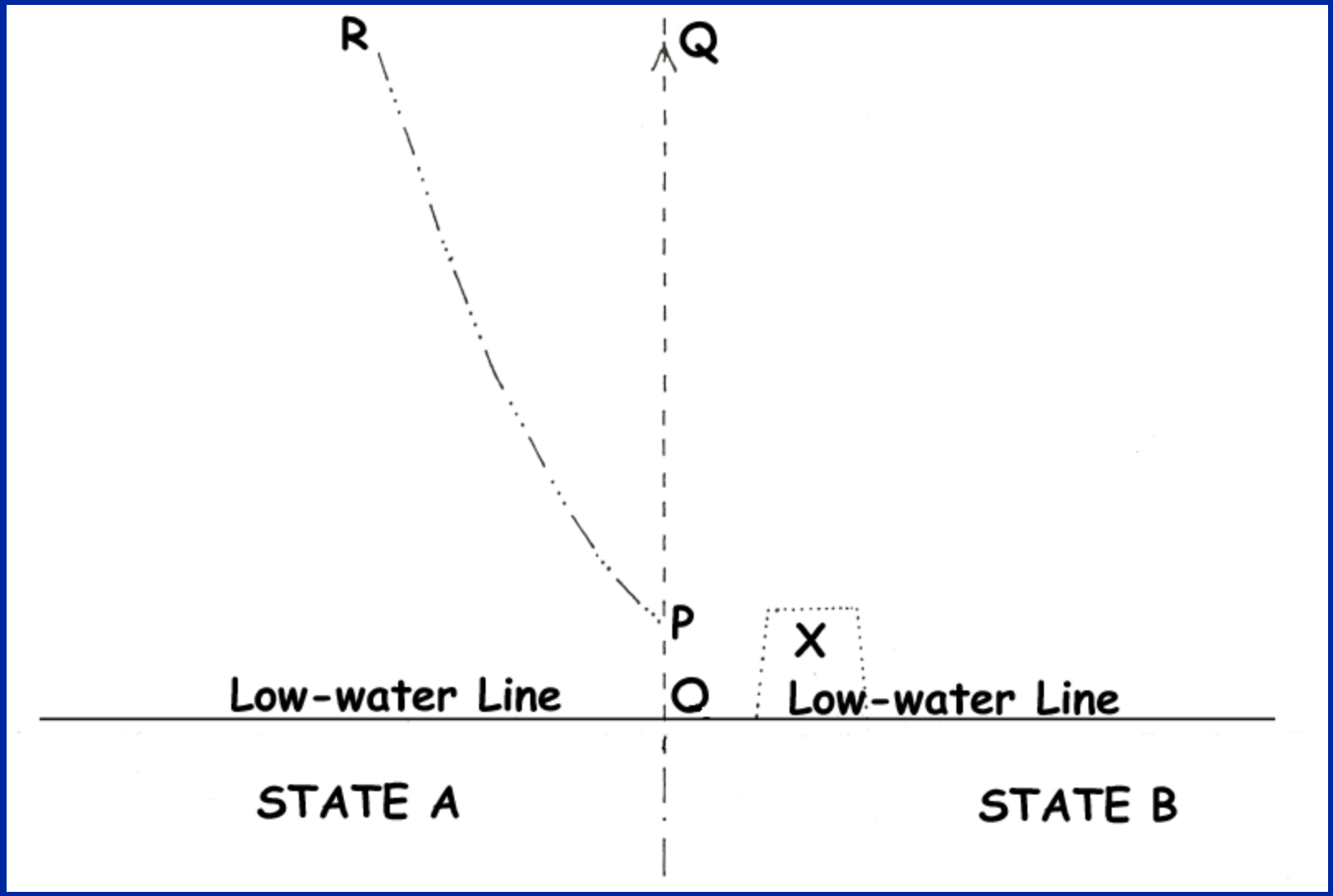
- Complicate the determination
- Ignore effect
- Assign a restricted area


STATE A
STATE B
b
1
a


STATE A
STATE B
b
c
1
2
a


STATE A
STATE B
b
c
1
2
3
a


STATE A
STATE B
Median line
a
b
c
d
e
F
1
2
3
4



NAVAL METEOROLOGY AND OCEANOGRAPHY COMMAND

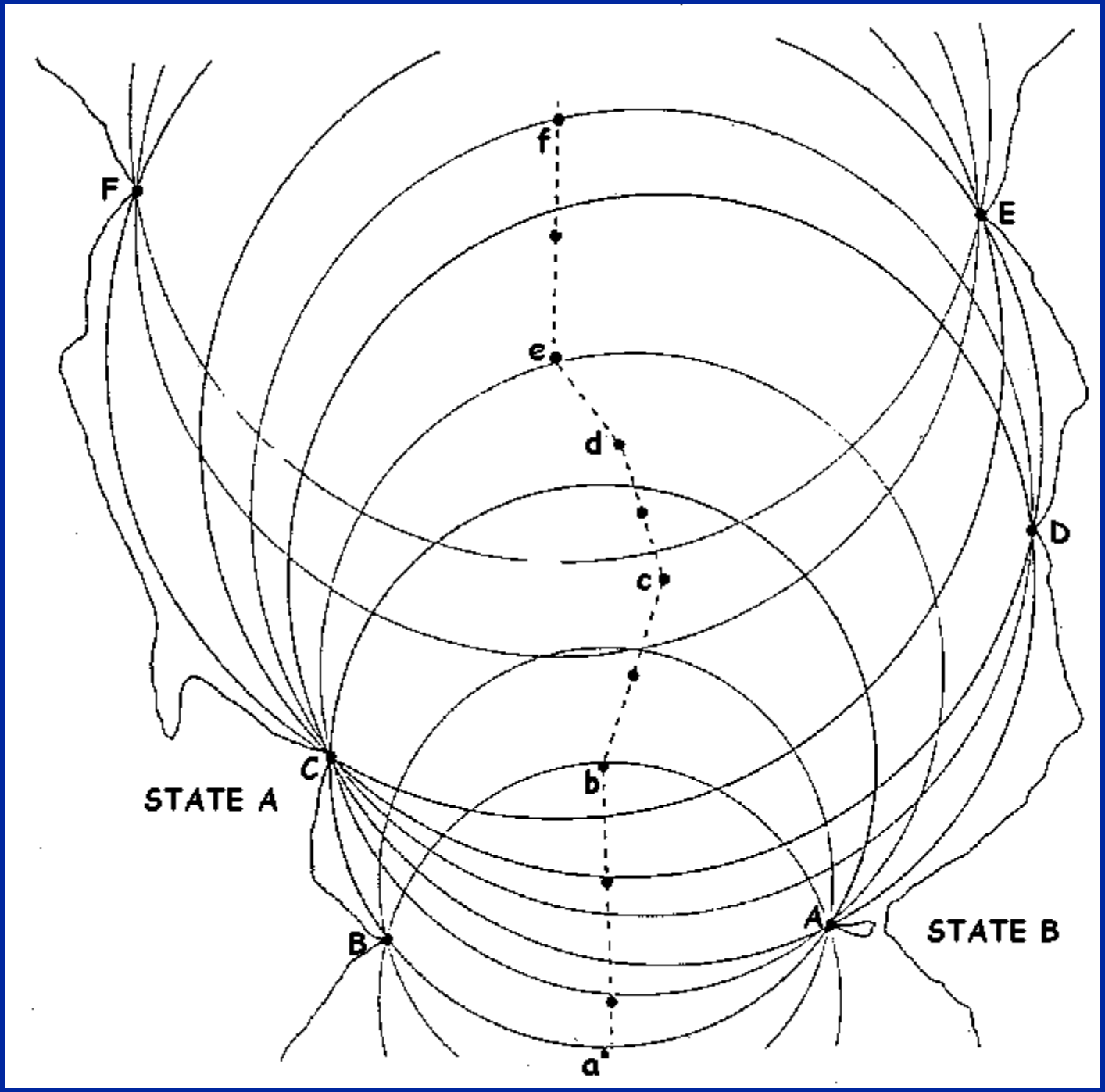
COMNAVMETOCCOM-

PARTIAL EFFECT

- Give feature causing inequity only a partial effect
- Take line halfway between the 2 equidistant lines

BASELINES

- Line between single basepoint and straight baseline is a parabola
- Equidistant line between basepoints on opposite coasts can be traced by the centers of several circles


f
F
E
e
d
D
c
C
STATE A
b
B
A
STATE B
a

SIMPLIFIED EQUIDISTANT LINE

- Strict equidistant line is undesirable due to large number of turning points
- Reduce number of turning points
  - split difference in area
- Reduce number of basepoints at equal intervals
- Loxodrome - preferred to geodesic